United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
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December 12, 2012

Joseph Sullivan
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, Florida 32303

Service CPA Activity Code:	2012-CPA-0091
Service Consultation Code:	2012-F-0079
Applicant:	Florida Department of Transportation
Project:	State Road 7 Extension Project
County:	Palm Beach

Dear Mr. Sullivan:

This letter serves as a follow-up to the inter-agency meeting on the Florida Department of Transportation's (FDOT) proposed State Road (SR) 7 Extension project, held at South Florida Water Management District office in West Palm Beach, Florida, on September 11, 2012. The purpose of this letter is to formally restate our concerns regarding the project to the Federal Highway Administration (FHWA).

PROJECT DESCRIPTION

The FDOT is proposing to widen and extend SR 7 from Okeechobee Boulevard to Northlake Boulevard. The existing two-lane roadway from Okeechobee Boulevard to 60th Street will be enlarged to four lanes, and a new four-lane roadway will be constructed from 60th Street to Northlake Boulevard. The project would be located immediately west of, and adjacent to, Palm Beach County's Pond Cypress Natural Area and Grassy Waters Preserve. As currently proposed, the project will directly impact about 113.9 acres of freshwater wetlands. The project site is located in Section 19, Township 43 South, Range 42 East; Sections 1, 12, 13, 14, and 24, Township 43 South, Range 41 East; and Sections 13, 24, 25, and 36, Township 42 South, Range 41 East, in Palm Beach County, Florida.

THREATENED AND ENDANGERED SPECIES

The Service finds the project will adversely affect the endangered Everglade snail kite (*Rostrhamus sociabilis plumbeus*)(snail kite). The snail kite population has declined significantly during recent years and may be precariously small. Recent population estimates range from about 700 (Cattau et al., 2009) to 925 individuals (S. Sneckenberger, Personal Communication 2012). The reasons for the decline are not completely understood, but low nest

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success in recent years appears to be contributing to this trend. Additional contributing factors include regional droughts, decline in apple snails, and low juvenile snail kite survival. Moreover, the Service is concerned the current level of recruitment of juveniles into the breeding population may be lower than needed to maintain or increase the snail kite population.

The project will result in a variety of direct and indirect adverse effects to the snail kite. Adverse effects include the permanent loss of foraging and roosting habitat for the snail kite within the project footprint. Therefore, the project will result in a reduction in the geographic extent of the species. The operation of the roadway following construction also increases the likelihood injuries and mortalities of snail kites will occur from collisions with motor vehicles. In addition, trash and litter discarded by motorists will degrade the quality of existing snail kite habitat adjacent to the roadway. More importantly, the project will significantly increase disturbance to snail kites nesting, foraging, and roosting in wetland habitats east of the roadway footprint within Palm Beach County's Grassy Water Preserve (also known as the Water Catchment Area). Disturbance will result from construction-related activities during project construction and continue in perpetuity due to motor vehicles and human activity on the roadway post-construction. Upon completion, disturbance from motor vehicle traffic on the roadway is expected to occur 24 hours a day because the roadway is located adjacent to a highly urbanized area with a large human population.

Little is known regarding the effects of roadway-related disturbance on nesting, foraging, and roosting of the snail kite. However, habitat loss and fragmentation are major factors influencing snail kite survival (Martin et al. 2006). Snail kites are likely to respond to the disturbance by avoiding the project area or otherwise altering their behavior. Consequently, the disturbance resulting from the project will indirectly result in the loss of habitat used by the snail kite for nesting, foraging, and roosting. The amount of the habitat lost due to disturbance is difficult to quantify, but may be substantial. The Service believes habitat lost due to the direct and indirect effects of the SR 7 extension project will reduce the breeding success of snail kites in the project area and could contribute to snail kite mortality.

The Service has serious concerns regarding the Everglade snail kite population's ability to withstand the adverse effects resulting from the construction of the proposed alternative for the SR 7 extension project. Consequently, we strongly urge the FHWA to discard the proposed corridor for the project and adopt a new corridor that would minimize or eliminate adverse effects to the snail kite.

FISH AND WILDLIFE RESOURCES

The National Environmental Policy Act (NEPA) requires Federal agencies to prepare environmental impact statements (EISs) for major Federal actions that significantly affect the quality of the human environment. As discussed above, the Service notes the project will result in significant adverse effects to a critically imperiled, federally listed species, the Everglade snail kite. Moreover, the project will result in significant adverse impacts to public conservation lands

with Palm Beach County's Pond Cypress Natural Area and Grassy Water Preserve. The construction and operation of a new four-lane roadway immediately adjacent to these lands will result in a substantial increase in noise and disturbance to fish and wildlife, and will impair the aesthetic values of these conservation lands for humans. Finally, the Grassy Waters Preserve provides the drinking water for the City of West Palm Beach. Consequently, a motor vehicle accident could result in a spill of contaminants, or, at worst, toxic materials into the water supply of a large human population. In conclusion, we find the project clearly meets the definition of a major Federal action that significantly affects the quality of the human environment, thereby requiring an EIS through NEPA. Therefore, we strongly urge the FHWA to prepare an EIS for the project that fully addresses alternatives for the project. We also recommend the FHWA discard the current alternative, and adopt a preferred alternative that minimizes or eliminates impacts to fish and wildlife resources and public conservation lands.

Thank you for your cooperation in the effort to protect federally listed species. If you have any questions regarding this project, please contact John Wrublik at 772-469-4282.

Sincerely yours,

Craig Aubrey

for Larry Williams
Field Supervisor
South Florida Ecological Services Office

cc: electronic only
FDOT, Fort Lauderdale, Florida (Ann Broadwell)
FWC, Tallahassee, Florida (FWC-CPS, Traci Wallace)
NOAA Fisheries, West Palm Beach, Florida (Brandon Howard)
Corps, Palm Beach Gardens, Florida (Garett Lips)

LITERATURE CITED

Cattau, C.E., W.M. Kitchens, B.E. Reichert, J. Olbert, K. Pias, J. Martin, and C. Zweig. 2009. Snail kite demography. 2009 annual report to the U.S. Army Corps of Engineers. U.S. Geological Survey, Biological Resources Division, Florida Cooperative Fish and Wildlife Research Unit, University of Florida; Gainesville, Florida.

Martin, J., J.D. Nichols, W.M. Kitchens, and J.E. Hines. 2006. Multiscale patterns of movement in fragmented landscapes and consequences on demography of the snail kite in Florida. Journal of Animal Ecology 2006; 75: 527-539.